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BEFORE THE ELECTION COMMISSION OF PAKISTAN
(Through Secretary Election Commission of Pakistan)

REPRESENTATION UNDER SECTION 21(3) FOR AMENDMENT OF THE NUMBER OF THE DRAFT/PRELIMINARY CONSTITUENCY NA -31 AS NA-1 AND ADMENDMENT TO THE PROPOSED NATIONAL ASSEMBLY CONSTITUENCY NUMBER 31 PESHAWAR-V AND THE NATIONAL ASSEMBLY CONSTITUENCIES OF DISTRICT PESHAWAR IN PARTICULAR THE PROPOSED CONSTITUENCY NA-30 PESHAWAR IV, NA 27 PESHAWAR I AND NA-28 PESHAWAR II AS PUBLISHED IN THE DRAFT LIST OF PROPOSED CONSTITUENCIES

Respectfully Sheweth;

Essential facts necessitating this representation are:

FACTS:

1. **That** applicant is permanent resident of Peshawar bearing CNIC number **17301-8328205-9** and is enrolled as voter [REDACTED] in the proposed National Assembly constituency NA-31 Peshawar V, which was earlier national assembly constituency number one, NA-1 Peshawar I. The applicant has contested elections from the same constituency since 1970 and was elected member National assembly from the same constituency a number of times.
2. **That** being a registered voter and as candidate of the national assembly constituency which includes old historical city of Peshawar as its heart, the applicant prefers this representation for (a) amendment of the constituency number, and (b) amendment of the constituency by including the partial area of the walled city which has been excluded in the draft list of constituency which make the former constituency of NA-1 Peshawar.
3. **That** in the draft list of constituencies as numbered and published under Section 21 of the Election Act, 2017 read with Rule 10(7) and 11 of the Election rules the applicant prefers this representation on the following grounds:

GROUNDS

3

A. **Because** the draft/preliminary constituency NA-31 was earlier numbered as NA-1 Peshawar. Peshawar is a historical city and has been a major route of trade, invasions and incursions towards the Indian Subcontinent/South Asia through millennia. The thousands years of history is witness to the historical significance and prominence of this old city. For decades Peshawar remained the first in sequencing of the National Assembly constituencies of Pakistan, named as NA-1 Peshawar I. The applicant as well as Peshawarites has a special attachment with the old city of Peshawar numbered as NA-1 and had always took pride in their area and the old historical city they inhabit as the first constituency in the sequencing of the national assembly constituencies of Pakistan. Given the historical background and the sense of attachment and identification and the pride that the electorate of this historical city takes in its number, the same number i.e. NA-1 Peshawar I, should be maintained as it has been.

B. **Because** the old city of Peshawar is one geographic stretch. The walled city of Peshawar as it was called has a historical significance. The population that lived in the city has developed a distinct culture of its own that has a peculiar history of its own spread over centuries. The *Sikhs Raj* initially demarcated the boundaries of the old city and built mud-walls around the perimeter and constructed different gates for access to the city. During the British Raj the walls around the old city perimeter was constructed with hardened bricks. In view of the gates constructed on the perimeter wall, the city area is divided into three different areas

- a) The highest ground spread around Gor Khatri lies on the East of Channels with Karimpura to its north-west and Pipalmandi to the South-west.
- b) The other part of the city starts from Pipalmandi leading towards Ganj and Yakatooth gates. The channel near Chowk Yadgar separates this pre-Muslim city from Androon Sheher where Masjid Mohabbat Khan is located and adjacent to this lies the Mohalla of Dhaki Nalbandi.
- c) Third part of the city is the area of Kohati Darwaza channel to Qissa Khwani channel that lies at Jahangir pura.

This "walled city of Peshawar" area makes the heart of the national assembly constituency of Peshawar city. In the draft/preliminary delimitation of the constituency which is number NA-31 this historical city which is compact, homogenous in all aspects of linguistic, ethnographic and cultural features stands divided in awkward manner. Census Charge No. 10 which includes Lahori and Karimpura, Charge 11 which includes Ganj and Jehangirpura are made part of the proposed NA-31 while Charge No. 12 which includes the areas like Qissa Khawani, Andar Shehr, Jehangir Pura, Mohalla Jangi, Kochi Bazar, Marwiha

4

No.1 and 2, Shah Qabool Colony, Namak mandi, Dabgari, Lakar Mandi, Mohalla Bhar, Bajawri Kalan, Ghorri Khan, Bajuri Khurd, Jogan Shah, Mohalla Afridi Khan, Mohalla Nau, Mohalla Nau Dabgari, Assia, Quwat ul Islam, Dhandyan, Mohalla Moti, Ghari Mir Ahmad Shah. In this manner the old city of Peshawar is bifurcated/divided in a brazen manner without any regard to its historical significance, cultural and linguistic homogeneity and above all public convenience and communication facilities and compactness and inseparability of the area.

- C. **Because** the awkward manner of splitting the old city in two different constituencies is typical case of gerrymandering. Instead of moving in the clockwise zig-zag manner, and considering the geographic compactness, and the accessibility/road/routes, a candidate/elector has to pass from a different constituency to access the other part of the constituency.
- D. **Because** Census Charge 14 Census Circle 01 which includes Bairun Ganj Gate, Hashnagar Colony, Chisti Abad, Chona Bhatti and Phandu road which is contiguous to and inseparable from the Walled city area, and with these characteristics always remained part of the former NA-1 constituency, (now draft/preliminary NA-31) has been made part of NA-28. Excluding this area lying deep inside the city and including it in the constituency which is largely a rural constituency of the district is unwarranted and unjustified.
- E. **Because** the population inhabiting in the Census circle No.01 of the Charge No. 15 is distinct from the other census circles in the Census Charge. Kohat Road is dividing line of the proposed NA-30 and NA-31. On the opposite side of Kohat Road lies Kotla Mohsin Khan, Dheri Baghbanan and Landi Arbab areas inhabited by indigenous pashtun population and the same area didn't made part of the Peshawar city and was a suburb of the city. People inhabiting these areas are culturally and linguistically distinct from the people inhabiting the said Census circle No. 01. Population of the same census circle is culturally and linguistically homogeneous with the community in the proposed NA-31, and this important factor has not been considered while drawing up the constituencies.
- F. **Because** the exclusion of the above mentioned areas is against the rules and principles of the delimitation and has greatly violated the principle of geographical compactness of the areas as well as the homogeneity of the communities and has caused serious inconvenience to the public in the proposed NA-31. Carving out of Census Charge 15 Census circle No. 01 across the Kohat Road and Charge No. 12 which includes almost half of the old walled city of Peshawar is unjustified and amount to gerrymandering.

(Further supporting reasons and arguments along with relevant and necessary documents will be presented at the time of hearing.)

5

IN VIEW OF THE ABOVE IT IS PROPOSED THAT ON ACCEPTANCE OF THIS REPRESENTATION:

- A) THE NA CONSTITUENCY NO 31 MAY BE NUBERED AS NA-1 PESHAWAR
- B) CENSUS CHARGE NO. 12 AND CHARGE NO. 15 CENSUS CIRCLE NO. 01 MAY KINDLY BE EXCLUDED FROM THE DRAFT /PRELIMINARY NA 30 AND INCLUDED IN NA- 31 OR NA-1 (IF PRAYER A IS ALLOWED)
- C) CENSUS CHARGE 14 CENSUS CIRCLE 01 IN THE DRAFT/PRELIMINARY NA-28 MAY BE EXCLUDED FROM THE PROPOSED NA 28 AND BE INCLUDED IN THE PRELIMINARY/DRAFT NA-31 OR NA-1 (IF PRAYER A IS ALLOWED)
- D) CHARGE 7 CENSUS CIRCLES 13 AND 17 BE EXCLUDED FROM NA-31 AND INCLUDED IN NA-27
- E) CHARGE 7 CENSUS CIRCLES 14, 15 AND 16 EXCLUDED FROM NA 31 AND INCLUDED IN NA-30

IN VIEW OF THIS THE NATIONAL ASSEMBLY CONSTITUENCIES OF DISTRICT PESHAWAR MAY BE DELIMITED IN THE FOLLOWING MANNER: